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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MALIBU MEDIA, LLC,

Plaintiff,

v.

CARL CABALBAG,

Defendant.

Case No. 2:17-cv-01315-ES-JAD

**MOTION FOR ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANT CARL CABALBAG**

Plaintiff, Malibu Media, LLC (“Plaintiff”), by and through undersigned counsel, and pursuant to Fed.R. Civ.P. 55, hereby files its Motion for Entry of Default Judgment (“Motion”) against Defendant, Carl Cabalbag (“Defendant”), and in support thereof, states:

1. On February 27, 2017, Plaintiff filed its Complaint in this action.
2. On September 18, 2017, Plaintiff filed its Amended Complaint.
3. Service of summons and Amended Complaint was obtained as follows:

Defendant

Date of Service, Type of Service

Carl Cabalbag

September 30, 2017, Individual

4. Defendant has failed to plead or otherwise defend himself against Plaintiff's Amended Complaint.

5. On November 15, 2017, Plaintiff filed and served a request that the Clerk of the Court enter Defendant default pursuant to Fed.R.Civ.P. 55(a).

6. Default was entered as to Defendant Carl Cabalbag on November 15, 2017.

7. Defendant is not a minor or an otherwise incompetent person. See Decl. of Patrick J. Cerillo, Esq.

8. This Motion is based on the allegations in Plaintiff's Amended Complaint. Defendant has admitted all of the facts alleged therein by failing to plead or otherwise respond to the Amended Complaint. *See Ortiz-Gonzalez v. Fonovisa*, 277 F3rd 59, 62-63 (1st Cir. 2002) ("A defaulting party is taken to have conceded the truth of the factual allegations in the complaint as establishing the grounds for liability as to which damages will be calculated.") (internal quotation marks and citation omitted).

9. This Motion is further based on the facts attested to in the Declaration of Patrick J. Cerillo, Esq. and the Memorandum of Points and Authorities in Support of Motion for Entry of Default Judgment filed contemporaneously herewith, and the record of the proceedings and papers on file herein. These materials are sufficient to justify the requested relief.

WHEREFORE, Plaintiff, Malibu Media, LLC, respectfully requests entry of a default judgment in favor of Plaintiff and against Defendant, Carl Cabalbag, in the form of the Proposed Default Judgment and Permanent Injunction attached hereto, and for such other and further relief this Court deems just and proper.

Dated December 18, 2017

Respectfully submitted,

By: /s/ Patrick J. Cerillo
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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2017, I electronically filed the foregoing document with the Clerk of the Court and all parties using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not CM/ECF users. I have mailed the foregoing document via U.S. Mail to the persons set forth in the Service List below.

By: /s/ Patrick J. Cerillo

Service List

Carl Cabalbag
384 New Brunswick Ave
East Brunswick, NJ 08816